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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,914	10/19/2001	Robert Fabbicatore	15100.0008	7299

23517 7590 06/08/2004

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EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/08/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/981,914

Applicant(s)

FABBRICATORE ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-29 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Jorgensen [6,590,885 B1].

3. As per claim 1, Jorgensen discloses an integrated communications system comprising:

an integrated packet-based network infrastructure [operable to provide networked converged communications [Jorgensen, WAN, col 25 lines 10-20; convergence of voice/data/video networks, col 33 lines 8-col 34 line 28; converging data network, col 35 lines 52-col 36 line 5];

an information management platform operable to support handling of orders, initiating services provisioning, maintaining service quality, billing, and administration [Jorgensen, provisioning module, col 65 line 63-col 66 line 5; administration component, billing information, col 79 lines 17-col 80 lines 26]; and

an activation engine operable to provide end-to-end services provisioning

[Jorgensen, provision module 1108c provides the operation, administration, management using RSVP runs end to end over WAN, Fig 11,col 43 lines 1-16]

4. As per claim 2, Jorgensen discloses the integrated packet-based network infrastructure replaces a traditional circuit switched network such as ATM replace X.25 network as design choice of packet network and circuit network [Jorgensen, circuit switched QoS and packet switched QoS, col 13 line 12-col 14 line 47; X.25 col 34 lines 19-28].

5. As per claim 3, Jorgensen discloses the integrated packet-based network infrastructure is operable to provide networked converged communications to commercial users [Jorgensen, a converged data network, col 35 line 52-col 36 line 5]

6. As per claim 4, Jorgensen discloses a transport layer operable to transport data signals [Jorgensen, transport layer, col 46 line 61-col 47 line 56]; a routing and switching layer operable to provide routing and switching of network traffic transported by the transport layer [Jorgensen, network layer, col 42 line 33-col 46 line 60]; a connectivity layer operable to provide end-user converged communications services [Jorgensen, link layer, col 42 lines 19-32]

7. As per claim 5, Jorgensen discloses the connectivity layer is operable to provide end-user converged communications services to commercial user locations [Jorgensen,

end to end, col 21 lines 50-67;col 43 lines 8-16].

8. As per claim 6, Jorgensen discloses the transport layer is based on wavelength division multiplexing [Jorgensen, multiplex technology, col 34 lines 49-59] and synchronous optical network technology and comprises redundant path protected fiber links [Jorgensen, SONET, various local fiber, col 35 lines 10-25].

9. As per claim 7, Jorgensen discloses the fiber link extends from a super point of presence to at least one central office and at least one commercial customer premise [Jorgensen, a central office, col 41 lines 33-50].

10. As per claim 8, Jorgensen discloses the routing and switching layer comprises Internet protocol over asynchronous transfer mode [Jorgensen, IP over ATM, col 36 lines 64-67].

11. As per claim 9, Jorgensen discloses a packet-based infrastructure combining multiple services over a single network media [Jorgensen, an SMDS packet switched network, col 34 lines 19-28].

12. As per claims 10,16 Jorgensen discloses converged services with frame relay services, voice over Internet protocol with local and long distance calling capabilities, Internet access, and videoconferencing [Jorgensen, frame relay, col 34 lines 19-28;

VOIP, col 33 lines 28-45; Internet access, col 33 lines 55-67; video conferencing, col 37 lines 35-67].

13. As per claims 11,17 Jorgensen discloses a value added services layer operable to provide web hosting, storage, managed network services, and messaging services [Jorgensen, Internet access, col 33 lines 55-67].

14. As per claim 12, Jorgensen discloses the routing and switching layer is further operable to provide multi-protocol label switching [Jorgensen, switched protocols, col 37 lines 15-25].

15. As per claim 13, Jorgensen discloses the routing and switching layer is further operable to provide virtual private network capabilities [Jorgensen, VPN, col 37 lines 7-35].

16. As per claim 14, Jorgensen discloses the routing and switching layer is further operable to provide a capability for any end-user to communicate with any other end-user independently of geographic location as inherent feature of WAN.

17. As per claim 15, Jorgensen disclose the routing and switching layer further operable to provide virtual private network capabilities across multiple networks, including the Internet [Jorgensen, VPN and Internet, col 37 lines 7-35].

18. As per claim 18, Jorgensen discloses an integrated access device located at a customer premise [Jorgensen, CPE and ISDN, col 7 lines 1-67].

19. As per claim 19, Jorgensen discloses the integrated access device is operable to provide a channel associate signaling interface [Jorgensen, CPE and ISDN, col 7 lines 1-67].

20. As per claim 20, Jorgensen discloses the integrated access device comprises analog and digital voice interfaces [Jorgensen, analog and digitized data, col 7 lines 1-67].

21. As per claim 21, Jorgensen discloses the integrated access device comprises serial data ports and at least one network Ethernet port [Jorgensen, Ethernet NIC, col 8 1 lines 54-61].

22. As per claim 22, Jorgensen discloses the integrated access device is operable to provide a primary rate voice interface [Jorgensen, primary rate interface, col 26 lines 44-55].

23. As per claim 23, Jorgensen discloses the integrated access device encompasses routing and firewall functionality [Jorgensen, firewall, col 79 lines 5-10; col 80 lines 48-

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64].

24. As per claim 24, Jorgensen discloses the trunk interface comprises at least one of T1, multiple T1s, DS3, and OCn capabilities [Jorgensen, T1,T3, OC3, col 79 lines 5-10].

25. As per claim 25, Jorgensen the information management platform is further operable to provide customer on-network access to billing, usage, and performance information [Jorgensen, administration component, billing information, col 79 lines 17-col 80 lines 26].

26. As per claim 26, Jorgensen discloses a super point of presence where the Information Management Platform allows customer on-net access to billing, usage and performance information [Jorgensen, administration component, billing information, col 79 lines 17-col 80 lines 26].

27. As per claim 27, Jorgensen discloses a super point of presence where the Information Management Platform allows the management of information including ordering, provisioning, maintaining and billing of services [Jorgensen, administration component, billing information, col 79 lines 17-col 80 lines 26].

28. As per claim 28, Jorgensen discloses a super point of presence where the

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activation engine executes the provisioning of services initiated by the information management platform [Jorgensen, provisioning module, col 65 line 63-col 66 line 5].

29. As per claim 29, Jorgensen discloses a super point of presence operable to provide commercial customers with hosting facilities supporting value added services [Jorgensen, VPN, provider, subscriber, col 65 lines 49-62; col 80 lines 5-13].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 1-29 are rejected under 35 U.S.C. § 103 as being unpatentable over Arias et al [Arias 6,118,976] in view of Nattkemper et al [Nattkemper 5,953,318].

31. As per claim 1, Arias discloses an integrated communications system comprising:

an integrated packet-based network infrastructure [WAN communications col 16 lines 1-12] operable to provide networked converged communications [Arias, converging television, col 1 lines 44-58];

an information management platform operable to support handling of orders, initiating services provisioning, maintaining service quality, billing, and administration [Arias, col 1 lines 30-43, col 5 lines 57-67, col 17 lines 5-57, col 18 lines 39-48]; and

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However Arias did not detail an activation engine operable to provide end-to-end services provisioning. Nattkemper discloses a distributed telecommunication switching system wherein the switching device as active engine to provide end-end provision services [Nattkemper, col 14 lines 32-54,col 32 line 58-col 33 line 25]

32. As per claim 2, Arias-Nattkemper disclose the integrated packet-based network infrastructure replaces a traditional circuit switched network such as ATM replace X.25 network.

33. As per claim 3, Arias-Nattkemper disclose the integrated packet-based network infrastructure is operable to provide networked converged communications to commercial users [Arias, converging television, col 1 lines 44-58]

34. As per claim 4, Arias-Nattkemper disclose the integrated network infrastructure comprises: a transport layer operable to transport data signals; a routing and switching layer operable to provide routing and switching of network traffic transported by the transport layer; a connectivity layer operable to provide end-user converged communications services [Nattkemper, TC transmission converging, col 6 lines 18-29,42-col 7 line 15; col 39 lines 17-25].

35. As per claim 5, Arias-Nattkemper disclose the connectivity layer is operable to provide end-user converged communications services to commercial user locations

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[Nattkemper ,TC transmission converging, col 6 lines 18-29,42-col 7 line 15; col 39 lines 17-25].

36. As per claim 6, Arias-Nattkemper disclose the transport layer is based on wavelength division multiplexing and synchronous optical network technology and comprises redundant path protected fiber links as a design choice.

37. As per claim 7, Arias-Nattkemper disclose the fiber link extends from a super point of presence to at least one central office and at least one commercial customer premise as inherent feature of WAN.

38. As per claim 8, Arias-Nattkemper disclose the routing and switching layer comprises Internet protocol over asynchronous transfer mode as inherent feature of WAN.

39. As per claim 9, Arias-Nattkemper disclose the routing and switching layer further comprises a packet-based infrastructure combining multiple services over a single network media as inherent feature of WAN.

40. As per claims 10,16 Arias-Nattkemper disclose the end-user communications services comprise at least one of converged services with frame relay services, voice over Internet protocol with local and long distance calling capabilities, Internet access,

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and videoconferencing as inherent feature of WAN.

41. As per claims 11,17 Arias-Nattkemper disclose the converged services comprise a value added services layer operable to provide web hosting, storage, managed network services, and messaging services as inherent feature of WAN.

42. As per claim 12, Arias-Nattkemper disclose the routing and switching layer is further operable to provide multi-protocol label switching as inherent feature of WAN.

43. As per claim 13, Arias-Nattkemper disclose the routing and switching layer is further operable to provide virtual private network capabilities as inherent feature of WAN.

44. As per claim 14, Arias-Nattkemper disclose the routing and switching layer is further operable to provide a capability for any end-user to communicate with any other end-user independently of geographic location as inherent feature of WAN.

45. As per claim 15, Arias-Nattkemper disclose the routing and switching layer further operable to provide virtual private network capabilities across multiple networks, including the Internet as inherent feature of WAN.

46. As per claim 18 Arias-Nattkemper disclose an integrated access device located

at a customer premise as inherent feature of WAN.

47. As per claim 19, Arias-Nattkemper disclose the integrated access device is operable to provide a channel associate signaling interface as inherent feature of WAN.

48. As per claim 20, Arias-Nattkemper disclose the integrated access device comprises analog and digital voice interfaces as inherent feature of WAN.

49. As per claim 21, Arias-Nattkemper disclose the integrated access device comprises serial data ports and at least one network Ethernet port as inherent feature of WAN.

50. As per claim 22, Arias-Nattkemper disclose the integrated access device is operable to provide a primary rate voice interface as inherent feature of WAN.

51. As per claim 23, Arias-Nattkemper disclose the integrated access device encompasses routing and firewall functionality as inherent feature of WAN.

52. As per claim 24, Arias-Nattkemper disclose the trunk interface comprises at least one of T1, multiple TIs, DS'), and OCn capabilities as inherent feature of WAN.

53. As per claim 25, Arias-Nattkemper the information management platform is

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further operable to provide customer on-network access to billing, usage, and performance information [Arias col 1 lines 30-43, col 5 lines 57-67, col 17 lines 5-57, col 18 lines 39-48].

54. As per claim 26, Arias-Nattkemper disclose a super point of presence where the Information Management Platform allows customer on-net access to billing, usage and performance information [Arias col 1 lines 30-43, col 5 lines 57-67, col 17 lines 5-57, col 18 lines 39-48].

55. As per claim 27, Arias-Nattkemper disclose a super point of presence where the Information Management Platform allows the management of information including ordering, provisioning, maintaining and billing of services [Arias col 1 lines 30-43, col 5 lines 57-67, col 17 lines 5-57, col 18 lines 39-48].

56. As per claim 28, Arias-Nattkemper disclose a super point of presence where the activation engine executes the provisioning of services initiated by the information management platform as inherent feature of WAN.

57. As per claim 29, Arias-Nattkemper disclose a super point of presence operable to provide commercial customers with hosting facilities supporting value added services as inherent feature of WAN.

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58. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
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